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OGC Has Reviewed

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT

: Claim of [redacted]

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1. Returned herewith is the Property Survey Board file pertaining to the claim of [redacted] for damage to personal property.

2. It is believed appropriate that the matter be returned to the Board for further consideration in connection with the following items:

- a. There is no indication in the record that the Board considered whether or not insurance should have been procured or whether it could have been secured.
- b. The claimant asserts that the property for which the claim was submitted was both as to type and quantity, reasonable, useful, and necessary property under the circumstances. However, the Board, other than stating that the requirements for submission of the claim under [redacted] have been properly fulfilled, did not specifically make a finding in their record that the property should not have been classified as objects of art as opposed to reasonable household goods and effects under all circumstances. It is our understanding that the Board orally considered this matter and determined that they were appropriate items of personal property considering all of the circumstances.
- c. The record of the Board does not disclose any considerations concerning the actions taken by [redacted] at the time, although they do find that the loss was not caused in whole or in part by any negligence or wrongful act on her part. It is true that by virtue of her integrant status she was placed in an inconsistent position of traveling on orders on an extensible TDY basis, whereas, in fact, as far as CIA is concerned, she was traveling on a PCS basis. In view of the complicated chain of events, it would seem appropriate that the Board comment specifically on the effect caused by this inconsistent position.
- d. The question of adequacy of storage facilities appears important in this case, but other than the assertion by

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the claimant that there were no adequate storage facilities, the record reflects no consideration or investigation of this point.

e. The record reflects that the Board found that the damage was caused by conditions beyond the control of [redacted] but it does not reflect whether the cause can be traced to the Government, either the Department of State or the Agency. The record further does not discuss whether the cause of loss can be traced to employees of either agency acting in a personal capacity as a favor to [redacted]. In addition, the record does not reflect whether the damage was caused by improper packing or by improper storage.

f. In view of the fact that certain of the articles for which full credit was recommended by the Board are still being utilized by or are in the possession of Miss [redacted] it would seem appropriate that the Board consider further the question of an adjustment on those items even though in certain instances appraisers have indicated the articles have no commercial value. In this manner, a possible compromise amount could be arrived at by negotiation. It is understood that the Board considered this approach, but in lieu of such action, make their recommendation contingent upon surrender of the articles in question to the Agency for such salvage value as they might have.

3. After the Board has considered the above and such other considerations as you wish to raise with them, I believe that the record will be in sufficiently complete detail to enable you to make the final decision.

PS

LAWRENCE R. HOUSTON
General Counsel

Att.

OGC/JSW:mm
2 - addressee
✓ - OGC subject
1 - chrono